

# COMMITTEE REPORT

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## MADAM PRESIDENT:

The Senate Committee on Tax and Fiscal Policy, to which was referred House Bill No. 1607, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1           Page 1, between the enacting clause and line 1, begin a new  
2 paragraph and insert:  
3           "SECTION 1. IC 4-4-11-15.6, AS ADDED BY P.L.214-2005,  
4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 UPON PASSAGE]: Sec. 15.6. In addition to the powers listed in  
6 section 15 of this chapter, the authority may:  
7           (1) issue bonds under terms and conditions determined by the  
8 authority and use the proceeds of the bonds to acquire obligations  
9 issued by any entity authorized to acquire, finance, construct, or  
10 lease capital improvements under IC 5-1-17; ~~and~~  
11           (2) issue bonds under terms and conditions determined by the  
12 authority and use the proceeds of the bonds to acquire any  
13 obligations issued by the northwest Indiana regional development  
14 authority established by IC 36-7.5-2-1; **and**  
15           **(3) issue bonds under terms and conditions determined by the**  
16 **authority and use the proceeds of the bonds to acquire any**  
17 **obligations issued by a regional transportation district**  
18 **established under IC 8-24-2.**  
19           SECTION 2. IC 5-11-10-1, AS AMENDED BY P.L.2-2007,  
20 SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
21 UPON PASSAGE]: Sec. 1. (a) This section applies to the state and its

political subdivisions. However, this section does not apply to the following:

- (1) A state educational institution, including Ivy Tech Community College of Indiana.
- (2) A municipality (as defined in IC 36-1-2-11).
- (3) A county.
- (4) An airport authority operating in a consolidated city.
- (5) A capital improvements board of managers operating in a consolidated city.
- (6) A board of directors of a public transportation corporation operating in a consolidated city.
- (7) A municipal corporation organized under IC 16-22-8-6.
- (8) A public library.
- (9) A library services authority.
- (10) A hospital organized under IC 16-22 or a hospital organized under IC 16-23.
- (11) A school corporation (as defined in IC 36-1-2-17).
- (12) A regional water or sewer district organized under IC 13-26 or under IC 13-3-2 (before its repeal).
- (13) A municipally owned utility (as defined in IC 8-1-2-1).
- (14) A board of an airport authority under IC 8-22-3.
- (15) A conservancy district.
- (16) A board of aviation commissioners under IC 8-22-2.
- (17) A public transportation corporation under IC 36-9-4.
- (18) A commuter transportation district under IC 8-5-15.
- (19) A solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal).
- (20) A county building authority under IC 36-9-13.
- (21) A soil and water conservation district established under IC 14-32.
- (22) The northwestern Indiana regional planning commission established by IC 36-7-7.6-3.
- (23) A regional transportation district established under IC 8-24-2.**

(b) No warrant or check shall be drawn by a disbursing officer in payment of any claim unless the same has been fully itemized and its correctness properly certified to by the claimant or some authorized person in the claimant's behalf, and filed and allowed as provided by law.

(c) The certificate provided for in subsection (b) is not required for:

- (1) claims rendered by a public utility for electric, gas, steam, water, or telephone services, the charges for which are regulated

- 1 by a governmental body;
- 2 (2) a warrant issued by the auditor of state under IC 4-13-2-7(b);
- 3 (3) a check issued by a special disbursing officer under
- 4 IC 4-13-2-20(g); or
- 5 (4) a payment of fees under IC 36-7-11.2-49(b) or
- 6 IC 36-7-11.3-43(b).

7 (d) The disbursing officer shall issue checks or warrants for all  
 8 claims which meet all of the requirements of this section. The  
 9 disbursing officer does not incur personal liability for disbursements:

- 10 (1) processed in accordance with this section; and
- 11 (2) for which funds are appropriated and available.

12 (e) The certificate provided for in subsection (b) must be in the  
 13 following form:

14 I hereby certify that the foregoing account is just and correct, that  
 15 the amount claimed is legally due, after allowing all just credits,  
 16 and that no part of the same has been paid.

17 SECTION 3. IC 5-11-10-1.6, AS AMENDED BY P.L.169-2006,  
 18 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19 UPON PASSAGE]: Sec. 1.6. (a) As used in this section, "governmental  
 20 entity" refers to any of the following:

- 21 (1) A municipality (as defined in IC 36-1-2-11).
- 22 (2) A school corporation (as defined in IC 36-1-2-17), including
- 23 a school extracurricular account.
- 24 (3) A county.
- 25 (4) A regional water or sewer district organized under IC 13-26
- 26 or under IC 13-3-2 (before its repeal).
- 27 (5) A municipally owned utility that is subject to IC 8-1.5-3 or
- 28 IC 8-1.5-4.
- 29 (6) A board of an airport authority under IC 8-22-3.
- 30 (7) A board of aviation commissioners under IC 8-22-2.
- 31 (8) A conservancy district.
- 32 (9) A public transportation corporation under IC 36-9-4.
- 33 (10) A commuter transportation district under IC 8-5-15.
- 34 (11) The state.
- 35 (12) A solid waste management district established under
- 36 IC 13-21 or IC 13-9.5 (before its repeal).
- 37 (13) A levee authority established under IC 14-27-6.
- 38 (14) A county building authority under IC 36-9-13.
- 39 (15) A soil and water conservation district established under
- 40 IC 14-32.
- 41 (16) The northwestern Indiana regional planning commission
- 42 established by IC 36-7-7.6-3.

**(17) A regional transportation district established under IC 8-24-2.**

(b) As used in this section, "claim" means a bill or an invoice submitted to a governmental entity for goods or services.

(c) The fiscal officer of a governmental entity may not draw a warrant or check for payment of a claim unless:

(1) there is a fully itemized invoice or bill for the claim;

(2) the invoice or bill is approved by the officer or person receiving the goods and services;

(3) the invoice or bill is filed with the governmental entity's fiscal officer;

(4) the fiscal officer audits and certifies before payment that the invoice or bill is true and correct; and

(5) payment of the claim is allowed by the governmental entity's legislative body or the board or official having jurisdiction over allowance of payment of the claim.

This subsection does not prohibit a school corporation, with prior approval of the board having jurisdiction over allowance of payment of the claim, from making payment in advance of receipt of services as allowed by guidelines developed under IC 20-20-13-10. This subsection does not prohibit a municipality from making meal expense advances to a municipal employee who will be traveling on official municipal business if the municipal fiscal body has adopted an ordinance allowing the advance payment, specifying the maximum amount that may be paid in advance, specifying the required invoices and other documentation that must be submitted by the municipal employee, and providing for reimbursement from the wages of the municipal employee if the municipal employee does not submit the required invoices and documentation.

(d) The fiscal officer of a governmental entity shall issue checks or warrants for claims by the governmental entity that meet all of the requirements of this section. The fiscal officer does not incur personal liability for disbursements:

(1) processed in accordance with this section; and

(2) for which funds are appropriated and available.

(e) The certification provided for in subsection (c)(4) must be on a form prescribed by the state board of accounts."

Page 10, line 33, delete "appoint" and insert "**appointment**".

Page 17, line 23, delete "determined" and insert "**determines**".

Page 20, line 19, delete "State" and insert "**state**".

Page 26, line 1, delete "An" and insert "**If all four (4) member counties have in effect on January 1 of a year a local income tax**

rate under:

(1) IC 6-3.5-1.1-24, IC 6-3.5-1.1-25, and IC 6-3.5-1.1-26; or

(2) IC 6-3.5-6-30, IC 6-3.5-6-31, and IC 6-3.5-6-32;

an".

Page 29, line 20, after "to" insert "**the**".

Page 33, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 6. IC 36-7.5-4-1, AS ADDED BY P.L.214-2005, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The development board shall establish and administer a development authority fund.

(b) The development authority fund consists of the following:

(1) Riverboat admissions tax revenue, riverboat wagering tax revenue, or riverboat incentive payments received by a city or county described in IC 36-7.5-2-3(b) and transferred by the county or city to the fund.

(2) County economic development income tax revenue received under IC 6-3.5-7 by a county or city and transferred by the county or city to the fund.

(3) Amounts distributed under IC 8-15-2-14.7.

(4) Food and beverage tax revenue deposited in the fund under IC 6-9-36-8.

(5) Funds received from the federal government.

(6) Appropriations to the fund by the general assembly.

(7) Other local revenue appropriated to the fund by a political subdivision.

(8) Gifts, donations, and grants to the fund.

(c) ~~On the date the development authority issues bonds for any purpose under this article; which are secured in whole or in part by The development authority shall establish a~~ development authority fund.

The development board shall establish and administer ~~two (2) accounts within the development authority fund. The accounts shall be the a~~ general account, ~~and the a~~ lease rental account, ~~After the accounts are established, and such other accounts in the fund as are necessary or~~ appropriate to carry out the powers and duties of the development authority. Except as otherwise provided by law or agreement with holders of any obligations of the development authority, all money transferred to the development authority fund under ~~subsections subsection~~ (b)(1), (b)(2), and (b)(4) shall be deposited in the lease rental account and used only for the payment of or to secure the payment of obligations of an eligible political subdivision under a lease entered into by an eligible political subdivision and the development authority under this chapter. However, any money deposited in the

1 lease rental account and not used for the purposes of this subsection  
 2 shall be returned by the treasurer of the development authority to the  
 3 respective counties and cities that contributed the money to the  
 4 development authority.

5 (d) ~~Notwithstanding subsection (c);~~ If the amount of ~~all~~ money  
 6 transferred to the development authority fund under ~~subsections~~  
 7 **subsection** (b)(1), (b)(2), and (b)(4) for deposit in the lease rental  
 8 account in any one (1) calendar year is greater than an amount equal to:

9 (1) one and twenty-five hundredths (1.25); multiplied by

10 (2) the total of the highest annual debt service on any bonds then  
 11 outstanding to their final maturity date, which have been issued  
 12 under this article and are not secured by a lease, plus the highest  
 13 annual lease payments on any leases to their final maturity, which  
 14 are then in effect under this article;

15 ~~then~~ all or a portion of the excess may instead be deposited in the  
 16 general account.

17 (e) **Except as otherwise provided by law or agreement with the**  
 18 **holders of obligations of the development authority,** all other money  
 19 and revenues of the development authority may be deposited in the  
 20 general account or the lease rental account at the discretion of the  
 21 development board. Money on deposit in the lease rental account may  
 22 be used only to make rental payments on leases entered into by the  
 23 development authority under this article. Money on deposit in the  
 24 general account may be used for any purpose authorized by this article.

25 (f) The development authority fund shall be administered by the  
 26 development authority.

27 (g) Money in the development authority fund shall be used by the  
 28 development authority to carry out this article and does not revert to  
 29 any other fund."

30 Renumber all SECTIONS consecutively.

(Reference is to EHB 1607 as printed April 1, 2009.)

**and when so amended that said bill do pass .**

Committee Vote: Yeas 9, Nays 2.

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**Senator Hershman, Chairperson**